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Clerk, U.S. District Court
District Of Montana
Great Falls

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**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

**IN THE MATTER OF THE
SEARCH OF THE CELLULAR
TELEPHONE ASSIGNED CALL
NUMBER (406) 403-3383, KNOWN
TO BE UTILIZED BY ROBERT
LINN**

MJ 16-20-GF-JTJ

**THIRD MOTION TO EXTEND
THE NOTIFICATION OF
EXECUTION OF A SEARCH
WARRANT AUTHORIZED BY
THE COURT ON MAY 12, 2016,
AND REMAIN UNDER SEAL**

FILED UNDER SEAL

The United States of America, by and through its undersigned counsel,
applied to this Court, pursuant to Rule 41 of the Federal Rules of Criminal
Procedure on May 12, 2016, for a warrant authorizing the government to obtain

historical text message data from cellular telephone number (406) 403-3383. The warrant described the data to be collected as:

Information regarding the historical text message of cellular telephone number (406) 403-3383, known to be utilized by Robert LINN.

The application for a search warrant and search warrant were supported by the accompany affidavit of Homeland Security Investigations (HSI), Special Agent Tavia Hulme. On May 12, 2016, the Court approved the warrant and the accompanying Motion to Seal the case. The warrant was served on Verizon Wireless on May 13, 2016. The investigation involving this telephone number is still ongoing.

The application and warrant required notification to the person(s) listed as the owner of the cellular phone by June 11, 2016. On June 7, 2016, the government filed a motion to extend the notification period until September 9, 2016. The Court granted this motion on June 8, 2016. On September 4, 2016, the government filed a second motion to extend the notification period until December 8, 2016. The court granted this motion on September 5, 2016. The current user of the phone is Robert LINN. Robert LINN is a subject of an ongoing investigation into the trafficking and distribution of methamphetamine and heroin by the Russell Country Drug Task Force and HSI.

Pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), the United States requests that the Court authorize the officer executing the warrant to delay notice an additional 90 days from December 8, 2016, until March 8, 2017. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the Target Cell Phone would seriously jeopardize the ongoing investigation, as such a disclosure would give Robert LINN an opportunity to destroy evidence, change patterns of behavior, notify co-defendants, and flee from prosecution. Moreover, to the extent that the warrant authorized the seizure of any tangible property, any wire or electronic communication (as defined in 18 U.S.C. § 2510), or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above. The United States makes its motion based on the following facts:

1. Law enforcement is still actively involved in an ongoing investigation of the user of the target cellular phone, (406) 403-3383, as well as others, concerning drug distribution activities;
2. This extension to delay notification of the search warrant to the subscriber and user of the target telephone, Robert David LINN, Jr., is

sought because LINN is a target in a long-term methamphetamine and heroin trafficking investigation which began in Great Falls, Montana, and now stretches to other locations around Montana, North Dakota, and Washington.

3. On October 19, 2016, HSI and the Russell Country Drug Task Force introduced an undercover agent (UCA) to Cari Ann MARTIN, a known narcotics distributor for Robert David LINN, Jr. During the October 19, 2016, narcotics transaction with the UCA, MARTIN suggested that she and the UCA remove the middle narcotics dealers and deal directly with each other. MARTIN agreed to meet with the UCA again to distribute additional methamphetamine. The UCA has remained in contact with MARTIN at her telephone number, (406) 217-7520.
4. On November 2, 2016, the Russell Country Drug Task Force, utilizing the UCA, conducted a controlled purchase of four (4) ounces of methamphetamine from Cari Ann MARTIN.
5. Prior to the narcotics transaction, MARTIN was at Robert David LINN's residence. During a telephone call with the UCA, MARTIN indicated she had two (2) ounces of methamphetamine available and requested the UCA come to her apartment. Following the exchange of the initial two

(2) ounces of methamphetamine with the UCA, MARTIN was followed by surveillance units to LINN's residence, where she remained briefly before returning to her apartment.

6. Upon returning to her apartment, MARTIN sent a text message to the UCA indicating that she was ready. During conversation with the UCA following the exchange of the second two (2) ounces of methamphetamine, MARTIN apologized for the long delay in obtaining the additional methamphetamine. MARTIN indicated that after completing the first transaction, she contacted her source but he had not yet left his residence to obtain the additional methamphetamine. MARTIN further explained that her source did not keep the methamphetamine at his residence because he is on federal probation, and therefore, needed to be careful.
7. Telephone toll analysis of records obtained from Verizon Wireless indicated that telephone number (406) 217-7520, associated with MARTIN, contacted telephone number (406) 403-3383 on numerous occasions surrounding the November 2, 2016, narcotics transaction. Analysis indicated that prior to the transactions MARTIN had sent two text messages to (406) 403-3383. Additionally, between the first and the

second transaction with the UCA, MARTIN contacted (406) 403-3383 on ten (10) separate occasions, via text message and voice telephone call.

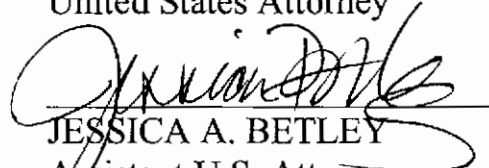
8. Records obtained from AT&T for telephone number (406) 403-3383, listed the subscriber as Robert LINN of 1257 6th Avenue Northwest, Great Falls, Montana. Law enforcement has knowledge that telephone number (406) 403-3383 is associated with, and used, by Robert David LINN, Jr.
9. Furthermore, based on this information, and the ongoing narcotics investigation, notification to Robert LINN of the warrant and the subsequent receipt of the historical text message data could endanger law enforcement safety and the safety of Confidential Informant, as the investigation continues. Notification could also cause LINN to flee the jurisdiction to avoid prosecution, allow for the destruction of or tampering with evidence, or otherwise seriously jeopardize this ongoing investigation.

Therefore, the United States requests this Court issue an order authorizing an additional ninety (90) day delay in the notification to Robert LINN of the receipt of the historical text message data for cellular telephone authorized by the Court on May 12, 2016. The requested notification date would be March 8, 2017.

DATED this 5th day of December 2016.

Respectfully submitted,

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